



YOUR EXPERIENCED RESOURCE

RADIO NEWSLETTER

Vol. 11, No. 1 - Sep/Oct 2004
News & Resources for
Station Operations & Development

Coast-to-Coast Fall IBS One-Day Saturday Conferences
Chicago (Oct. 30th) - Boston (Nov. 6th) - Los Angeles (Nov. 13)
Admission to each only \$10 per person (IBS Member-Station)

The IBS Fall schedule of coast-to-coast, one-day conferences kicks off on Saturday, October 30th in Chicago, hosted by WCRX at Columbia College.

Next stop is the Boston area, on Saturday, November 6th, with the event hosted by the New England Institute of Art in Brookline.

And the "Fall Tour" ends on Saturday, November 13th, hosted by KWEB at the Webb Schools in Claremont, CA, right nearby the Ontario, California Airport, home to a number of discount airlines and our host hotel, the Holiday Inn.

At each of these one-day conferences, the program is expected to feature some 20 seminars, all aimed at practical nuts & bolts issues for those from school and college radio stations. There will also be hands-on learning labs for web design & streaming. You'll be able to participate in all day live cybercasts streamed on the Internet. Speakers/panelists will include a mix of industry professionals and students. While the specific program schedule for each event is still being finalized, we'll provide details as soon as they're available on the IBS web site at www.ibsradio.org



Allen Myers

Dr. Michael C. Keith

One of the featured speakers at each of the IBS Fall Conferences will be Allen Myers of the FCC. Allen has been a mainstay at IBS conferences for years and is one of the foremost experts on rules and policies for noncommercial stations. His question-and-answer sessions provide the information you need, yet it's all done on an informal basis.

Other speakers at one or more of the conferences are expected to include Dr. Michael C. Keith, author of *The Radio Station* and a number of other books that are widely used as textbooks for the teaching of broadcasting.

continued on Page 2



John L. Simson Fritz Kass

IBS-RIAA/SoundExchange Announce 2-Year Rates/Terms Extension

IBS proposed and the music industry has agreed. IBS Member 2004 webcasting rates and terms are extended through December 31, 2006. Fritz Kass, IBS Director of Operations, said the agreement provides schools with a predictable model for streaming radio and was also good for the music industry. John Simson is Executive

Director of SoundExchange, an IBS conference participant. SoundExchange will be responsible for administering the collection of the royalty fees. IBS Members will continue to pay \$25 annually in lieu of all recordkeeping and reporting. Most IBS Members pay \$250 yearly copyright royalty for streaming. Larger universities pay \$500. IBS continues to recommend that member-stations stream to reach out to alumni, family, and friends. Congress provided for a six-month open negotiation period ending June 30, 2004. IBS, RIAA and SoundExchange, reached an agreement in principle before the June 30 deadline. Gary Greenstein, Vice President, Business and Legal Affairs, for the Recording Industry Association of America, RIAA, slightly modified the IBS agreement and presented it to the Music Industry for approval. A copy of the agreement is on the IBS website.

New IBS Branch Office Phones Provide Easier Access for Your Station to IBS.

Now, it's easier and closer than ever for your station to reach IBS with your questions about station operations, FCC rules, webcasting and more. Our main office phone remains the same: 845-565-0003. But, in addition, you can call us through one of our branch office phones in a city near you:

U.S. Cities

New York, NY - (212) 400-1631
Washington, DC - (202) 517-6709
Boston, MA - (617) 933-9624
Chicago, IL - (312) 924-4800
Los Angeles, CA - (213) 412-3158
San Francisco, CA - (415) 738-0548
Oakland, CA - (510) 868-0892
San Diego, CA - (619) 819-2957
Nashville, TN - (615) 724-0524
St. Louis, MO - (314) 754-8447
Tampa, FL - (813) 426-3642
Salt Lake City, UT - (801) 413-2967
New Orleans, LA - (504) 210-3653
Philadelphia, PA - (215) 825-5163
Pittsburgh, PA - (412) 894-0006
Dallas, TX - (214) 269-1167
San Antonio, TX - (210) 579-0596
Detroit, MI - (313) 281-4001
Minneapolis - St. Paul - (612) 605-4429
Milwaukee, WI - (414) 431-8178
Columbus, OH - (614) 559-4614
Seattle, WA - (206) 274-4668
Indianapolis, IN - (317) 536-2726

Canada

Montreal, Quebec -
(514) 426-3642

Ottawa, Ontario -
(613) 482-2222

Vancouver, British Columbia -
(604) 484-7036

IBS email remains the same at either:
ibs@ibsradio.org
or
IBSHQ@aol.com

IBS is easy to reach from wherever
your station is located.



Len Mailloux, IBS Director and Vice President for Regional Development, is also on the faculty of the New England Institute of Art teaching broadcasting. Len has had years of professional broadcast management experience, partially evidenced by his deep "radio voice."

IBS Chair John Murphy, (also General Manager of WHUS-FM at the University of Connecticut) is an experienced non-commercial broadcaster who can (and usually does) speak on a variety of topics.

Fritz Kass, IBS Director of Operations, has been deeply involved in the negotiations and agreements with RIAA/SoundExchange on web streaming fees and terms for IBS member-stations who webcast. He's also an expert on station budgets and finance issues. Fritz will be at all of the IBS Fall Conferences.

Live365.com, one of the largest distributors of web streaming, will be there to explain their services and discounts for IBS member-stations and answer your questions on web streaming.

Sue Zizza is the Executive Director of National Audio Theatre, producing and distributing programs to stations.

Valerie Geller, of Geller Media, is the author of *Powerful Radio* and has been a speaker at the IBS National Convention in New York.

The low registration cost makes it easy for stations to have a large number of their staff people attend. **It's only \$10/person** for those from IBS member-stations and \$25/person for non-member stations. It's another good reason to make sure your IBS membership is up-to-date.



John Murphy

Len Mailloux

The FCC has levied a \$3,000 fine on WPFW, Pacifica's Washington, DC station, for failing to perform and log the required monthly and weekly EAS (Emergency Alert System) tests.

Pacifica did not contest the violations. In its response, Pacifica said that it had remedied the defects identified and seeks a reduced fine. However, the FCC says no reduction is warranted on the basis of Pacifica's correction of the violations: "corrective action taken to come into compliance with Commission rules or policy is expected, and does not nullify or mitigate any prior forfeitures or violations." Pacifica also said it is a small business entity, in support of its request that the forfeiture be reduced, without providing any financial documentation. But, the FCC said it is well established that reliance on small business status alone without substantiation of the inability to pay claim is insufficient.

KALW, San Francisco has up to a potential \$300,000 fine facing it. The reason, according to the FCC: "It appears that SFUSD has failed to timely place or retain in the KALW(FM) public inspection file quarterly issues/programs lists and supplemental ownership information, while certifying in its renewal application that it had done so. We will therefore specify false certification and SFUSD filed an opposition to the petition on January 20, 1998, to which GGPR replied on February 18, 1998.

IT IS FURTHER ORDERED, that, irrespective of whether the hearing record warrants an Order denying the renewal application for KALW(FM), it shall be determined... whether an ORDER OF FORFEITURE in an amount not to exceed \$300,000 shall be issued against SFUSD for willful and/or repeated violations of Sections 73.1015, 73.3527, and/or 73.3613 of the Commission's Rules..."

KALW legal counsel, Ernie Sanchez, is leading the station's defense and hopes to be successful.

The lesson here is to make sure you're following FCC rules, especially on public files and EAS. IBS is here to help. Join or renew your membership now. We want to save you the expense and embarrassment of a battle with the FCC and the potential of a \$300,000.00 fine.

The FCC has issued a Notice of Proposed Rulemaking (FCC NPRM 04-145) that would require stations to record and retain 60 - 90 days of their programming broadcast between 6 AM and 10 PM. Comments to the FCC should be filed by August 27, 2004, with replies by September 27.

According to the FCC introduction:

"1. In this Notice of Proposed Rulemaking (NPRM), we propose to require that broadcasters retain recordings of their programming for some limited period of time (e.g., 60 or 90 days) in order to increase the effectiveness of the Commission's process for enforcing restrictions on obscene, indecent, and profane broadcast programming.

2. It is a violation of federal law to broadcast obscene, indecent, or profane programming. Specifically, Title 18 of the United States Code, Section 1464, prohibits the utterance of "any obscene, indecent, or profane language by means of radio communication."

The Supreme Court has determined that obscene speech is not entitled to First Amendment protection, obscene speech cannot be broadcast at any time.

Indecent speech is protected by the First Amendment and cannot be outlawed completely, but, pursuant to Commission regulations, implementing a subsequent statute and court decision, the airing of such programming is restricted to the hours of 10:00 p.m. to 6:00 a.m., when children are less likely to be in the audience. The courts have consistently upheld the Commission authority to regulate indecent speech, albeit with certain limitations. In this NPRM, we seek comment on enhancing our enforcement processes through proposed program recording retention requirements for broadcast stations in order to improve the adjudication of complaints."

Through our Washington legal counsel, IBS expects to file comments on this issue. If you have ideas or comments you'd like us to consider, send them to ibs@ibsradio.org





IBS Board of Directors

John Murphy - Chair
Norman Prusslin - President
Fritz Kass, Treasurer
Chuck Platt, Secretary
Tom Gibson, VP, Engineering
Jeff Tellis, VP Info Services
Len Mailloux - VP, Regional Development
Diana Beedy
Vince Giffin
Kevin Peterson
Greg Sutton

IBS Headquarters Office:

367 Windsor Highway
New Windsor, NY 12553
Phone: 845-565-0003
Fax: 845-565-7446

via email:

ibs@ibsradio.org

on the web:

<http://www.ibsradio.org/>

© Contents copyright 2004 by the
Intercollegiate Broadcasting System, Inc.

FREE IBS email accounts!

Introducing FREE IBS email accounts available to all IBS member-stations. If you would like an easy IBS email address like, "your station@ibsradio.org", or "your station@highschoolradio.net", or any of IBS's 30 domain names. For details see the IBS website at: <http://www.internetradio.cc>

Available 24 hours a day to members at bs@ibsradio.org.

PSAs for Your Station

IBS has collaborated with the U.S. Census, the Ad Council and other providers of popular public service announcements (PSA) to bring you top quality information our listeners want.

Check out the IBS website, updated daily, for the latest news on a variety of PSAs you can use today.

<http://www.ibsradio.tv>

Grants for five-day IRTS NYC Faculty Seminar available



The International Radio and Television Society Foundation (IRTS) is offering 75 broadcast faculty members grants to attend a fabulous five-day seminar in New York City.

The Faculty/Industry Seminar is an annual forum where 75 professors from across the nation come to New York for five days of intense meetings and seminars with key communications leaders. Panels, field assignments, and a major industry breakfast top the agenda. Educators have labeled the Faculty/Industry Seminar "the most sought after and visible activity of the year."

As part of the Intercollegiate Broadcasting System (IBS) strategic partners program, we have joined IRTS. The IRTS Foundation, based in New York City, provides a great array of seminar, fellowships, and happenings for faculty and students. IBS looks forward to promoting IRTS events and learning from the wealth of knowledge of other IRTS members.

For this event, the IRTS grants cover hotel costs and most meals. IBS grants cover \$100 of the \$150 non-refundable application fee. Faculty members must pay their own travel expenses.

The IRTS Faculty/Industry Seminar will be in New York City from Wednesday, November 17 - Sunday, November 21, 2004. The deadline for application to IRTS/IBS is September 17, 2004.

The IRTS grant application is on the IBS website: <http://www.collegeradio.tv>

IBS and RTNDA Collaborate

The prestigious Radio Television News Directors Association (RTNDA) is the best source for information, seminars, and meetings about news broadcasting. Several IBS Board and staff members including IBS President, Norm Prusslin, and IBS Director of Operations, Fritz Kass, are members of RTNDA. New this year IBS will be keeping members informed on RTNDA activities and opportunities. Check out the RTNDA section on the IBS website today.

<http://www.ibsradio.info>

IBS "Free to Air" Satellite Radio Network

IBS Members may soon be able to participate in the IBS Radio Network by way of IBS Satellite distribution.

Single IBS Members that wish to make their signals available free to North American listeners by way of satellite should contact IBS. We have new information on this revolutionary new IBS service. Groups of stations or even the network as a whole can jointly broadcast over "Free to Air" IBS satellite channels. The system works the same as XM or Sirius except your listeners receive IBS channels FREE! Receivers are available at many electronic stores and through the Internet. Advertising or other revenue sources might cover your low cost uplink investment. IBS can put you in space now.



IBS is now a member of the National Association of Broadcasters (NAB). This summer IBS and NAB formalized their long time close relationship.

Norm Prusslin, IBS President, will again lead the IBS delegation to the NAB Radio Show. NAB Radio will meet in San Diego, CA, Wednesday, October 6 - Friday, October 8, 2004.

IBS Members attending NAB that want to meet with IBS should contact IBS through any of our coast-to-coast local office telephone numbers. IBS services are available 24 hours a day to members at ibs@ibsradio.org.

FCC Calls for Comments on Broadcast Localism

The FCC has issued a Notice of Inquiry (NOI) regarding broadcast localism. A link to the full 26-page document can be found at the IBS web site at www.ibsradio.org

Right now, the FCC requires stations to compile and retain in their public files a quarterly "issues/programs" list. It's a list of issues the station feels are important to their local community and the programs the station has broadcast during the past 3 months to address those issues. It requires specific dates, times, titles and topics.

Quarterly issues/programs lists need to be put in your local public file no later than 10 days after each calendar quarter ends. For example, the Jan-March list has to be put in your public file by April 10th; April-June by July 10th; July-Sept by Oct 10th and Oct-Dec by January 10th.

The Commission says it's received complaints about stations ignoring local service and is looking for ways to improve station programming to address local community needs. Elsewhere in this newsletter is a report of a potential \$300,000 fine for a station who allegedly did not compile and retain quarterly issues/programs lists, but who certified they did when filing for license renewal.

IBS urges you to read the full text of the NOI for more information. And, you'll find links to both the NOI and the FCC rules on public files on the IBS web site at www.ibsradio.org



Minimum Operating Hours/Share-time

With station renewals here and more to come, a reminder about minimum hours your station must be on the air. You'll find full details in the FCC rules, section 73.561. But, minimum hours to maintain your license are 36 hours per week consisting of at least 5 hours/day, 6 days per week, although stations licensed to educational institutions don't have to broadcast on Saturday or Sunday or during vacation or recess periods.

However, if your station is on the air any less than 12 hours/day, every day of the year, it is vulnerable to time-share applications from others who want to share time on your station's frequency.

Library of Congress Seeks Access to Station Recordings



The Copyright Office of the Library of Congress is proposing to amend its regulations to permit the Library of Congress to record unpublished radio and other audio and audiovisual transmission programs. The Copyright Office regulations already provide for the Library of Congress to obtain copies of unpublished television transmission programs, either by recording fixations or by demanding copies in the form of a transfer, loan, or sale at cost. The revised regulation makes similar provisions for audio transmission programs and includes transmission programs made available by radio broadcasts and by digital communications networks such as the Internet. Comments are due on September 7. For further info, go to the Copyright Office website at www.copyright.gov/fedreg/2004/69fr47396.html.

The due date for comments on proposed amendment to regulations governing acquisition and deposit of unpublished transmission programs (69 FR 47396) is September 7, 2004.

Elsewhere in this issue, you'll find news about an FCC proposal to require stations to retain recordings of their broadcasts for 60-90 days.

WCPE Offers Classical Music Free to Stations for Fill-ins



WCPE, an IBS Member in Wake Forest, NC, offers its classical music programming without charge or royalty to stations who are not in a position to program their own stations around the clock. It can help school/college stations gain a better listenership because they do not need to go off the air during overnights or vacation periods.

Stations can receive their signal from standard audio subcarriers broadcast on the Galaxy 5 Satellite.

For more details, go to their website at wcpe.org/rebroadcasters.shtml

Exclusive Discounted Rate at CMJ Music Marathon for IBS Members



IBS members can receive an exclusive discounted rate of \$225 per person at the upcoming CMJ Music Marathon, October 13-16, 2004 in New York City.

This special rate represents a savings of some \$70 off CMJ's "regular" registration rate. For more info, go to the CMJ Music Marathon site at: www.cmj.com/musicmarathon

FCC Seeks Comment on Rule Changes for the Emergency Alert System



The FCC has issued a Notice of Proposed Rulemaking (NPRM) concerning the Emergency Alert System (EAS), seeking comment on how EAS can be improved to be a more effective mechanism for warning the American public of an emergency.

The action stems in part from recommendations of the Media Security and Reliability Council (an FCC Advisory Committee), and the Partnership for Public Warning.

The Commission has already begun - and will continue throughout this proceeding - to coordinate with the Department of Homeland Security and its component, FEMA and the Department of Commerce and its component, the National Oceanic and Atmospheric Administration's National Weather Service. These Federal partners will be active participants in the proceeding. In addition, the Commission seeks participation of state and local emergency planning organizations as well as all communications industries involved in alert and warning.